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LAW DEPARTMENT
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The application is granted
 X denied


Edgardo Ramos, U.S.D.J

Dated: 2/11/2019

New York, New York

Marilyn Richter
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February 8, 2019

The Honorable Edgardo Ramos
United States District Court
Southern District of New York
40 Foley Square
New York, N.Y. 10007

Re: *Christa McAuliffe Intermediate School PTO, Inc. v. Bill De Blasio*,
18cv11657 (ER)(OTW)

Dear Judge Ramos:

I am one of the lawyers who represent Defendants in the above-subject action. By order dated February 4, 2019 (dkt. no. 60), Your Honor directed Plaintiffs to provide by today, additional evidence concerning the standing of the organization Plaintiffs.


In the section on standing in Plaintiffs' Reply in Support of Motion for Preliminary Injunction) dated January 24, 2019 (dkt. no. 55) ("Reply MOL"), p. 5, n. 5, Plaintiffs acknowledge that two of the three individual Plaintiffs "will not suffer immediate harm this cycle," and thus implicitly acknowledge that they do not have standing to seek the requested preliminary injunction.¹ As to the third individual Plaintiff, it is asserted that, "As to Mr. Wong, the admissions cutoffs have yet to be released so Plaintiffs maintain he still may be injured and that his claim is not moot." Reply MOL, p. 5, n. 5.

Defendants respectfully request that Your Honor consider the additional evidence in the accompanying Supplemental Declaration of Nadiya Chadha, dated February 7, 2019, which contains the cut-off scores for the SHSAT examination. In her Declaration dated January 17, 2019 (dkt. no. 49), Ms. Chadha stated that the cut-off scores had not then been calculated. Since that date, as part of the process of determining and providing offers to the Specialized High

¹ As set forth in Defendants' opposition papers, it is Defendants' position that these two individual Plaintiffs not only lack standing to seek the requested preliminary injunction, but do not have standing to maintain the lawsuit.

Schools, the cut-off scores have been calculated for both possible outcomes: whether the preliminary injunction is denied or is granted. As the Supplemental Declaration demonstrates, given these cut-off scores, and the SHSAT score of Plaintiff Wong's daughter (which score we provided to Plaintiffs' counsel by letter dated January 18, 2019, but have not put on the record due to its sensitive nature), Plaintiff Wong does not have standing.

Sincerely yours,



Marilyn Richter
Assistant Corporation Counsel